

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

RAYMOND LEE KIRBY, )  
Petitioner )  
v. ) No. 2:16-cv-00039  
UNITED STATES OF AMERICA, ) Judge Trauger  
Respondent. )

**ORDER**

Pending before the court are the Petitioner's Motion To Vacate, Set Aside, Or Correct Sentence In Accordance With 28 U.S.C. § 2255 (Docket No. 1), the Government's Response (Docket No. 5), the Petitioner's Reply (Docket No. 6), and the Government's Supplemental Response (Docket No. 7).

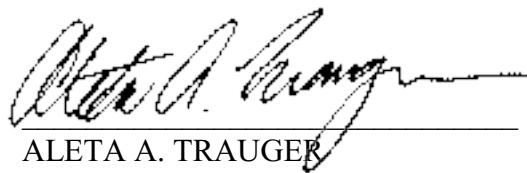
For the reasons set forth in the accompanying Memorandum, the Motion To Vacate, Set Aside, Or Correct Sentence (Docket No. 1) is DENIED, and this action is DISMISSED.

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

If the Petitioner gives timely notice of an appeal from the court's Memorandum and Order, such notice shall be treated as a application for a certificate of appealability, 28 U.S.C. § 2253(c), which will not issue because the Petitioner has failed to make a substantial showing of the denial of a constitutional right. *Castro v. United States*, 310 F.3d 900 (6th Cir. 2002).

It is so ORDERED.

Enter this 25<sup>th</sup> day of May 2017.



ALETA A. TRAUGER  
U.S. District Judge